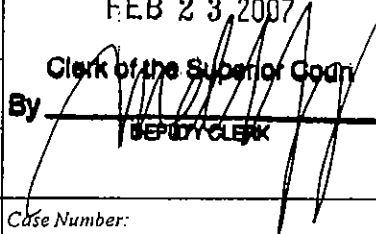



| | | | |
|---|--|---|--------------|
| Attorney or Party without Attorney: MICHAEL J. BAKER, Bar #56492 HOWARD RICE NEMEROVSKI CANADY, ET AL. THREE EMBARCADERO CENTER 7TH FLOOR SAN FRANCISCO, CA 94111 Telephone No: 415-434-1600 FAX No: 415-217-5910 | | For Court Use Only FILED SAN MATEO COUNTY FEB 23 2007 Clerk of the Superior Court By  | |
| Attorney for: Plaintiff Insert name of Court, and Judicial District and Branch Court: SAN MATEO COUNTY SUPERIOR COURT | | Ref. No. or File No.: | |
| Plaintiff: ATR-KIM ENG FINANCIAL CORP., et al. Defendant: HUGO BONILLA, et al. | | Case Number: CIV 460691 | |
| PROOF OF SERVICE FIRST AMENDED SUMMON | | Hearing Date: | Time: |
| | | Dept/Div: | Case Number: |

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the FIRST AMENDED SUMMONS; FIRST AMENDED COMPLAINT; ADR PACKAGE; CIVIL CASER COVER SHEET; NOTICE OF CASE MANAGEMENT CONFERENCE; CASE MANAGEMENT STATEMENT (BLANK); RULES 2.0-2.30 OF LOCAL RULES OF COURT; TELEPHONIC APPEARANCE PAPERS.
3. a. Party served: ALBERT K. MARTIN ATTORNEY AT LAW ON BEHALF OF HUGO BONILLA
 b. Person served: PATRICIA PREVETTE, PARALEGAL, AUTHORIZED TO ACCEPT
4. Address where the party was served: 4 WEST FOURTH AVENUE, SUITE 508
 SAN MATEO, CA 94402
5. I served the party:
 a. by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on: Tue., Feb. 20, 2007 (2) at: 3:20PM
6. The "Notice to the Person Served" (on the Summons) was completed as follows:
 on behalf of: ALBERT K. MARTIN ATTORNEY AT LAW ON BEHALF OF HUGO BONILLA

7. Person Who Served Papers:

a. EDGAR MENDEZ

 **First Legal Support Services**
 ATTORNEY SERVICES
 1138 HOWARD STREET
 San Francisco, CA 94103
 (415) 626-3111, FAX (415) 626-1331

Recoverable Cost Per CCP 1033.5(a)(4)(B)

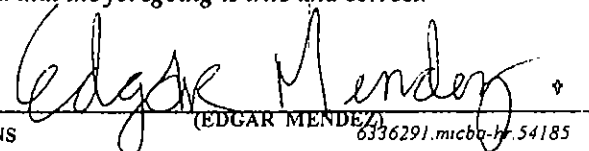
d. The Fee for Service was:

e. I am: (3) registered California process server

- (i) Employee
- (ii) Registration No.: 2006-0000964-00
- (iii) County: San Francisco
- (iv) Expiration Date: Fri, Feb. 15, 2008

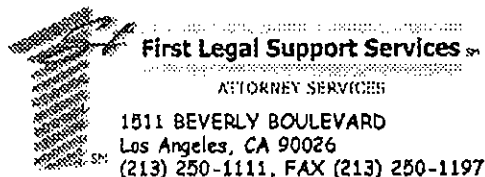
8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Wed, Feb. 21, 2007


 (EDGAR MENDEZ)
 6336291.micba-jr.54185

| | | | | | |
|---|--|---------------|-------|---|----------------------------|
| Attorney or Party without Attorney: MATTHEW L. BELTRAMO, Bar #184796 HOWARD RICE NEMEROVSKI CANADY, ET AL. THREE EMBARCADERO CENTER 7TH FLOOR SAN FRANCISCO, CA 94111 Telephone No: 415-434-1600 FAX No: 415-217-5910 | | | | For Court Use Only FILED SAN MATEO COUNTY MAR - 5 2007 Clerk of the Superior Court <i>Middlebrook</i> DEPUTY CLERK | |
| Attorney for: Plaintiff | | | | Ref. No. or File No.: | |
| Insert name of Court, and Judicial District and Branch Court: SAN MATEO COUNTY SUPERIOR COURT | | | | | |
| Plaintiff: ATR-KIM ENG FINANCIAL CORP., et al. | | | | By | |
| Defendant: HUGO BONILLA, et al. | | | | | |
| PROOF OF SERVICE SUMMONS | | Hearing Date: | Time: | Dept/Div: | Case Number: CIV 460691 |

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the SUMMONS; CIVIL CASE COVER SHEET; FIRST AMENDED COMPLAINT; NOTICE OF CASE MANAGEMENT CONFERENCE; CASE MANAGEMENT STATEMENT (BLANK); ADR INFORMATION PACKAGE; STIPULATION TO ADR (BLANK); LOCAL RULES OF COURT; TELEPHONIC APPEARANCE PAPERS.
3. a. Party served: DORA M. ABEROUCETTE
4. Address where the party was served: 170 YORKSHIRE COURT
SAN BRUNO, CA 94066
5. I served the party:
 - a. by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on: Tue., Feb. 27, 2007 (2) at: 8:42PM
6. The "Notice to the Person Served" (on the Summons) was completed as follows:
 - a. as an individual defendant
7. Person Who Served Papers:
 - a. VERGILIO RONDOLO



Recoverable Cost Per CCP 1033.5(a)(4)(B)

d. The Fee for Service was: \$143.00

- e. I am: (3) registered California process server
 - (i) Owner
 - (ii) Registration No.: 285
 - (iii) County: San Mateo

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Thu, Mar. 01, 2007

 (VERGILIO RONDOLO)

POS-010

| | |
|---|---|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Michael J. Baker (56492) Matthew L. Beltramo (184796) Howard Rice Nemerovski Canady Falk & Rabkin Three Embarcadero Center, 7th Floor San Francisco, California 94111 TELEPHONE NO.: (415) 434-1600 FAX NO. (Optional): (415) 217-5910 E-MAIL ADDRESS (Optional): mbeltramo@howardrice.com ATTORNEY FOR (Name): ATR-Kim Eng Financial Corp. & ATR-Kim | FOR COURT USE ONLY FILED SAN MATEO COUNTY MAR - 8 2007 Clerk of the Superior Court By <i>[Signature]</i> DEPUTY CLERK |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Mateo STREET ADDRESS: 400 County Center MAILING ADDRESS: CITY AND ZIP CODE: Redwood City, CA 94063 BRANCH NAME: Southern Branch | |
| PLAINTIFF/PETITIONER: ATR-Kim Eng Financial Corporation and ATR-Kim Eng Capital Partners, Inc. DEFENDANT/RESPONDENT: Hugo Bonilla, Monica Araneta, Dora M. Aberouette, Michelle Bonilla, and Does 1-50 | CASE NUMBER: CIV 460691 |
| PROOF OF SERVICE OF SUMMONS | Ref. No. or File No.: |

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons (First Amended Summons)
 - b. ☒ complaint (First Amended Complaint)
 - c. ☒ Alternative Dispute Resolution (ADR) package
 - d. ☒ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): (1) Notice of Case Management Conference (w/ blank case management statement); (2) Rules 2.0-2.30 of Local Rules of Court; and (3) telephonic appearance papers
3. a. Party served (specify name of party as shown on documents served): Monica Araneta
 - b. ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
4. Address where the party was served: 48-A McKinley Rd., Forbes Park, Makati City, Philippines
5. I served the party (check proper box)
 - a. ☐ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
 - b. ☒ by substituted service. On (date): 2/26/07 at (time): 2:30 p.m. I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - (1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☒ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☒ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): 2/26/07 from (city): Makati Central Post Office, Makati City. A declaration of mailing is attached.
 - (5) ☒ I attach a declaration of diligence stating actions taken first to attempt personal service.

Page 1 of 2

PLAINTIFF/PETITIONER: ATR-Kim Eng Financial Corporation &
 ATR-Kim Eng Capital Partners, Inc.
 DEFENDANT/RESPONDENT: Hugo Bonilla, Monica Araneta, et al.

CASE NUMBER:
 CIV 460691

5. c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid.
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgement of Receipt.*) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (*specify means of service and authorizing code section*):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☒ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (*specify*):
- c. ☐ as occupant.
- d. ☐ On behalf of (*specify*):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: **JEAN JACQUELYN NATHANIA A. DE CASTRO**
- b. Address: **P/H LTA Bldg., 118 Perea St., Legaspi Vill., 1229 Makati City, Philippines**
- c. Telephone number: **+6328189836**
- d. The fee for service was: \$ **N/A**
- e. I am:

- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date:

JEAN JACQUELYN NATHANIA A. DE CASTRO

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

signed on
MAR - 6 2007

(SIGNATURE)



Embassy of the United States of America
Manila, Philippines

Republic of the Philippines)
City of Manila)
Embassy of the United States)
of America) ss:

SUBSCRIBED AND SWORN to before me, JoAnn O. Donovan, Consular Associate
of the United States of America at Manila, Philippines, duly commissioned and
qualified, this 6th day of March 2007 by

****JEAN JACQUELYN NATHANIA DE CASTRO****

A handwritten signature in cursive script, appearing to read "JoAnn O. Donovan".

Consular Associate of the
United States of America
Indefinite Commission

"The Embassy assumes no responsibility for the truth or falsity of the representations, which appear in
the foregoing (or, annexed) document (or specified elements of the document)."

1 MICHAEL J. BAKER (No. 56492)
Email: mbaker@howardrice.com
2 MATTHEW L. BELTRAMO (No. 184796)
Email: mbeltramo@howardrice.com
3 HOWARD RICE NEMEROVSKI CANADY
FALK & RABKIN
4 A Professional Corporation
Three Embarcadero Center, 7th Floor
5 San Francisco, California 94111-4024
Telephone: 415/434-1600
6 Facsimile: 415/217-5910

7 Attorneys for Plaintiffs and Judgment Creditors
ATR-KIM ENG FINANCIAL CORPORATION and
8 ATR-KIM ENG CAPITAL PARTNERS, INC.

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF SAN MATEO
11 UNLIMITED JURISDICTION
12

13 HOWARD
RICE
NEMEROVSKI
CANADY
FALK
& RABKIN
a professional corporation

14
15 ATR-KIM ENG FINANCIAL
16 CORPORATION and ATR-KIM ENG
CAPITAL PARTNERS, INC.,

17 Plaintiffs,

18 v.

19 HUGO BONILLA, MONICA ARANETA,
20 DORA M. ABEROUE, MICHELLE
BONILLA, and DOES 1-50,

21 Defendants.
22
23
24
25
26
27
28

No. CIV 460691

DECLARATION OF REASONABLE
DILIGENCE OF JEAN JACQUELYN
NATHANIA A. DE CASTRO

1 I, Jean Jacquelyn Nathania A. De Castro, declare as follows:

2 1. I am a member of the legal staff of the Villaraza & Angangco Law Offices. I am
3 over 18 years of age and my business address is located at the Penthouse, LTA Building, 118
4 Perea Street, Legaspi Village, 1229 Makati City, Metro Manila, Philippines. I make this
5 declaration upon personal knowledge and, if called upon to testify, could and would testify
6 competently hereto.

7 2. On February 26, 2007, around 2:30 p.m. (Philippines time), I went to the
8 residence of Monica Araneta which is located at 48-A McKinley Street, Forbes Park
9 Subdivision, Makati City, Philippines in order to serve on her the First Amended Summons,
10 First Amended Complaint, ADR Packet, Civil Case Cover Sheet and other related
11 documents on said Defendant in San Mateo County Superior Court Case No. CIV 460691,
12 entitled *ATR-Kim Eng Financial Corporation, et. al. v. Hugo Bonilla, Monica Araneta, et.*
13 *al.*

14 3. The residence is fronted by a gate, which is staffed by a security guard. I rang
15 the doorbell and the guard responded to the gate. I asked if Monica Araneta was home. The
16 guard said, "Yes."

17 4. I then asked the guard if I could speak with Monica Araneta in order to give her
18 some important documents. The guard asked me to wait and he went inside.

19 5. After a while, the guard came out again and told me that he was mistaken and
20 that Monica Araneta had left already through the other gate.

21 6. I then asked if I could speak to either Monica Araneta's mother or father, who
22 also live at that residence, to the best of my knowledge. He said that it was only the mother
23 who was at home. I asked to speak with her.

24 7. The guard went inside the house again and came back out after a few minutes.
25 He said that Monica Araneta's mother was also not home. He asked me to come back again
26 and closed the gate.

27 8. I rang the doorbell again and asked the guard to receive the documents instead for
28 Monica Araneta. He agreed. I explained to him I was handing him an envelope, which

1 contained court papers from the court in California for Monica Araneta.

2 9. I asked the guard what his full name was and he answered, "BADILIS
3 TAMPUNGAN PANUNTUNGAN." I asked how old he was and he said he was over fifty
4 (50) years old, which was consistent with his apparent age. I then handed him the envelope,
5 which he received. The envelope contained the documents described above.

6 10. I then proceeded immediately to the Makati Central Post Office and caused a
7 photocopy of the above-mentioned documents to be delivered by registered mail to the
8 residence of Monica Araneta located at 48-A McKinley Street Forbes Park Subdivision,
9 Makati City, Philippines, as proven by Registry Receipt No. 3167 which is attached hereto
10 as Exhibit "A".

11
12 I declare under penalty of perjury under the laws of the State of California, United
13 States of America, that the foregoing is true and correct. Executed this ____th day of
14 MAR - 6 2007, 2007 at the Embassy of the United States of America, 1201 Roxas Boulevard,
15 Metro Manila, Philippines 1000.

16
17 
18 JEAN JACQUELYN NATHANIA A. DE CASTRO
19
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28



Embassy of the United States of America

Manila, Philippines

Republic of the Philippines)
City of Manila)
Embassy of the United States)
of America) ss:

SUBSCRIBED AND SWORN to before me, JoAnn O. Donovan, Consular Associate
of the United States of America at Manila, Philippines, duly commissioned and
qualified, this 6th day of March 2007 by

****JEAN JACQUELYN NATHANIA DE CASTRO****

A handwritten signature in dark ink, appearing to read "JoAnn O. Donovan".

Consular Associate of the
United States of America
Indefinite Commission

"The Embassy assumes no responsibility for the truth or falsity of the representations, which appear in
the foregoing (or, annexed) document (or specified elements of the document)."

REGISTRY RECEIPT

3167

Post Office

Letter/Pack

Posted on

Preserve this receipt for reference in case of inquiry

NO.

FEB 26 2008

1 MICHAEL J. BAKER (No. 56492)
Email: mbaker@howardrice.com
2 MATTHEW L. BELTRAMO (No. 184796)
Email: mbeltramo@howardrice.com
3 HOWARD RICE NEMEROVSKI CANADY
FALK & RABKIN
4 A Professional Corporation
Three Embarcadero Center, 7th Floor
5 San Francisco, California 94111-4024
Telephone: 415/434-1600
6 Facsimile: 415/217-5910

7 Attorneys for Plaintiffs and Judgment Creditors
ATR-KIM ENG FINANCIAL CORPORATION and
8 ATR-KIM ENG CAPITAL PARTNERS, INC.

9
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN MATEO
12 UNLIMITED JURISDICTION

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HOWARD
RICE
NEMEROVSKI
CANADY
FALK
& RABKIN
A Professional Corporation

15 ATR-KIM ENG FINANCIAL
16 CORPORATION and ATR-KIM ENG
CAPITAL PARTNERS, INC.,

17 Plaintiffs,

18 v.

19 HUGO BONILLA, MONICA ARANETA,
20 DORA M. ABEROUE, MICHELLE
BONILLA, and DOES 1-50,

21 Defendants.

No. CIV 460691

DECLARATION OF REASONABLE
DILIGENCE OF MARILYN L. QUIZON

1 I, Marilyn L. Quizon, declare as follows:

2 1. I am over the age of 18 years old and am employed as a member of the legal staff
3 of the Villaraza & Angangco Law Offices with the office address of 4th Floor, LTA
4 Building, 118 Perea Street, 1229 Legaspi Village, Makati City, Metro Manila, Philippines. I
5 make this declaration upon personal knowledge and, if called upon to testify, could and
6 would testify competently hereto.

7 2. On February 21, 2007, around 8:30 a.m. (Philippine time), I went to the residence
8 of Monica Araneta which is located at 48-A McKinley Street, Forbes Park Subdivision,
9 Makati City, Philippines in order to serve on her the First Amended Summons, First
10 Amended Complaint, ADR Packet, Civil Case Cover Sheet and other related documents on
11 Monica Araneta in San Mateo County Superior Court Case No. CIV 460691, entitled *ATR-*
12 *Kim Eng Financial Corporation and ATR-Kim Eng Capital Partners, Inc., et. al. v. Hugo*
13 *Bonilla, Monica Araneta, et. al.*

14 3. The residence is fronted by a gate, which is staffed by a security guard. The
15 guard met me at the gate, and I asked him for permission to speak with Monica Araneta.
16 After I gave him my name, he made me wait outside while he went inside the compound and
17 closed a smaller gate leading to the guard area. He said that he still had to call the persons in
18 the house through their intercom phone.

19 4. After some minutes, the guard returned to the gate and asked me for some
20 identification. I gave him my Philippine driver's license. I then asked that I be let inside to
21 use the intercom phone so that I could speak directly to Monica Araneta to inform her of the
22 California court documents I needed to serve upon her.

23 5. The guard allowed me to go inside the gate and into a sort of open guardhouse
24 where the intercom phone was located.

25 6. Through the intercom phone, I was able to speak with a maid inside the house
26 named "Mimi."

27 7. Mimi told me that the California court documents should just be given to her. I
28 insisted that I needed to talk with Monica Araneta directly. She put down the phone and told
me to wait a while.

1 8. The intercom phone rang once and the guard answered it, then told me that the
2 person at the other end wanted to talk to me.

3 9. The person on the phone had a female voice and asked for my name and the
4 company I was working for. I gave her my name and asked who she was. She said she was
5 the mother of Monica Araneta and that I should just tell her what I wanted to tell Monica
6 Araneta. I told her that I needed to talk with Monica Araneta directly as I had California
7 court documents to serve upon her.

8 10. In the background, I heard a male voice saying, "Just get it. It's just a notice.
9 Just acknowledge and sign it."

10 11. Instead of speaking with me again, the woman who identified herself as Monica
11 Araneta's mother spoke to the person with the male voice in the background and said in a
12 raised voice, "Sign what? What papers? For Monica?" The male voice answered, "Yes, it's
13 just a notice from the court."

14 12. The person with a male voice then took the intercom and asked for my name,
15 which I gave to him. I asked for his name as well. He said that he was Carlos Araneta, the
16 father of Monica Araneta. He demanded that I identify the company I was working for. I
17 told him that I needed to speak with Monica Araneta directly in order to give her the
18 California court documents.

19 13. Carlos Araneta said that he would be the one to acknowledge and sign the
20 California court documents for his daughter. I again stated that I needed to talk to Monica
21 Araneta directly.

22 14. Carlos Araneta then said that Monica Araneta was in the city of Baguio (which is
23 located in the northern part of the Philippines) and that he did not know when she actually
24 had left or whether she would return to their residence. Carlos Araneta told me that his
25 daughter was already, "of age," meaning that she was an adult. Seeing that further insistence
26 on this point was futile, I informed him that I would just come back some other time.

27 15. At around 11:00 a.m. that same day, I returned to the same address and tried to
28 confirm with the guard whether Monica Araneta was within the premises.

1 16. He said that Monica Araneta had left with friends early that day and that I should
2 try to come back around 3:00 to 3:30 p.m., since she would usually come home around that
3 time. When I asked him for the specific time that Monica Araneta had left the house, he said
4 that he did not know because his duty was only to record the names of the persons who come
5 inside their compound. I then left the premises.

6 17. I returned to the same address at around 3:00 p.m. on February 21, 2007. The
7 guard said that Monica Araneta had not returned and that he had no idea when she would
8 return. I asked that he allow me to speak with any other person in the house who might
9 know of Monica Araneta's whereabouts. The guard said that there was no one inside the
10 house who had this information. At this point, I left.

11 18. I returned to the same address the next day, February 22, 2007, at around 10:30
12 a.m. A companion of mine, Jean Jacquelyn Nathania A. de Castro ("Ms. de Castro"), went
13 to the back gate of the house with a copy of the documents to be served in case Monica
14 Araneta exited from the back gate.

15 19. The guard at the gate appeared to recognize me and immediately stated that
16 Monica Araneta was not there but that her father, Carlos Araneta, wanted to talk to me.

17 20. I again requested to talk to Monica Araneta directly. The guard reiterated that
18 she was not inside the house but that Carlos Araneta wanted to talk to me.

19 21. After a few minutes, the guard came out followed by a man who appeared
20 irritated. The man then introduced himself as Carlos Araneta.

21 22. I thanked him for coming out and meeting me but told him that it was really
22 Monica Araneta to whom I needed to speak so that I could personally deliver to her the
23 California court documents in this case.

24 23. Carlos Araneta became angrier and insisted that I give him the California court
25 documents since he was Monica Araneta's father. Moreover, he said that the documents
26 should be given to him since Monica Araneta was not home.

27 24. I inquired about Monica Araneta's whereabouts and sought confirmation that she
28 lived at this address. He confirmed that she lived at this address but said she was in the
beach resort of Boracay which is in mid-southern part of the Philippines. I then reminded

1 him that yesterday he had said she was in Baguio (which is located approximately 420 miles
2 from Boracay). He then said that since Monica had just graduated from college, she wanted
3 to travel around the Philippines and *might* be in Boracay.

4 25. I asked him whether he had contacted her about the California court documents I
5 tried to serve the other day. He said that he had not.

6 26. I told him that these were very important California court papers. Again, Carlos
7 Araneta insisted that I give the papers to him, explaining that even if he contacted Monica
8 Araneta, she would just ask him to receive the documents for her since she was vacationing.

9 27. As I was about to leave, Carlos Araneta said that he did not care whether I came
10 back everyday. He then banged the gate on me.

11 28. At about 11:15 a.m. that same day, I went back to the same address with my
12 companion, Ms. de Castro. Carlos Araneta came to the gate again and asked Ms. De Castro
13 to convince me to give the papers to him. She declined.

14 29. I then explained to him that we really needed to give the California court
15 documents to Monica Araneta because we were instructed to serve them on her personally. I
16 explained to Carlos Araneta that since we cannot serve the court papers on Monica Araneta
17 personally, we would resort to substitute service.

18 30. Carlos Araneta said, "Go ahead, do what you want," and began to talk angrily.
19 We let him finish his statement and left the area after a few minutes.

20 I declare under penalty of perjury under the laws of the State of California, United
21 States of America, that the foregoing is true and correct. Executed this ____th day of
22 MAR - 6 2007, 2007 at the Embassy of the United States of America, 1201 Roxas Boulevard,
23 Metro Manila, Philippines 1000.

24 

25 _____
26 MARILYN L. QUIZON
27
28



Embassy of the United States of America

Manila, Philippines

Republic of the Philippines)
City of Manila)
Embassy of the United States)
of America) ss:

SUBSCRIBED AND SWORN to before me, JoAnn O. Donovan, Consular Associate
of the United States of America at Manila, Philippines, duly commissioned and
qualified, this **6th day of March 2007** by

****MARILYN LAGUESMA QUIZON****

A handwritten signature in cursive script, appearing to read "JoAnn O. Donovan".

Consular Associate of the
United States of America
Indefinite Commission

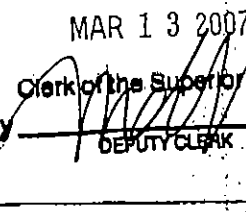
"The Embassy assumes no responsibility for the truth or falsity of the representations, which appear in
the foregoing (or, annexed) document (or specified elements of the document)."

MAR-12-2007 14:42

FIRST LEGAL SF


415 626 4138

P.02/02

| | | | | | |
|---|--|---------------|-------|--|----------------------------|
| Attorney or Party without Attorney: MATTHEW L. BELTRAMO, Bar #184796 HOWARD RICE NEMEROVSKI CANADY, ET AL. THREE EMBARCADERO CENTER 7TH FLOOR SAN FRANCISCO, CA 94111 Telephone No: 415-434-1600 FAX No: 415-217-5910 | | | | For Court Use Only FILED SAN MATEO COUNTY MAR 13 2007 Clerk of the Superior Court By  DEPUTY CLERK | |
| Attorney for: Plaintiff | | | | Ref. No. or File No.: | |
| Insert name of Court, and Judicial District and Branch Court: SAN MATEO COUNTY SUPERIOR COURT | | | | | |
| Plaintiff: ATR-KIM ENG FINANCIAL CORP., et al. Defendant: HUGO BONILLA, et al. | | | | | |
| PROOF OF SERVICE SUMMONS | | Hearing Date: | Time: | Dep/Div: | Case Number: CIV 460691 |

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the SUMMONS, CIVIL CASE COVER SHEET, FIRST AMENDED COMPLAINT, NOTICE OF CASE MANAGEMENT CONFERENCE
3. a. Party served: MICHELLE BONILLA
 b. Person served: ALBERT K. MARTIN, ATTORNEY FOR RECORD FOR DEFENDANT
4. Address where the party was served: 3 EMBARCADERO CENTER, 7TH FLOOR
 SAN FRANCISCO, CA 94111
5. I served the party:
 a. by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on: Wed., Mar. 07, 2007 (2) at: 3:55PM
6. The "Notice to the Person Served" (on the Summons) was completed as follows:
 a. as an individual defendant
7. Person Who Served Papers:
 a. HEATHER DEAN

Recoverable Cost Per CCP 1033.5(a)(4)(B)
 d. The Fee for Service was: \$101.53
 e. I am: Not a Registered California Process Server

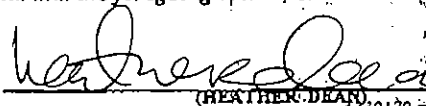

First Legal Support Services
 ATTORNEY SERVICES
 1811 BEVERLY BOULEVARD
 Los Angeles, CA 90026
 (213) 250-1111, FAX (213) 250-1197

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Mon, Mar. 12, 2007

Judicial Council Form POS-010
 Rule 982.9(a)&(b) Rev January 1, 2007

PROOF OF SERVICE
SUMMONS



(HEATHER DEAN)

6339179.mai ba-hr.57/46

TOTAL P. 02

LAW OFFICE OF (CSB #113228)
DAVID M. SLOAN
655 MIDDLEFIELD ROAD
REDWOOD CITY, CA 94063
TELEPHONE: (650) 299-9655
FACSIMILE: (650) 299-9129

Attorney for Defendant Monica Araneta

FILED
SAN MATEO COUNTY

APR 9 2007

Clerk of the Superior Court

By

~~DEPUTY CLERK~~

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN MATEO
(UNLIMITED JURISDICTION)

ATR-KIM ENG FINANCIAL CORPORATION
and ATR-KIM ENG CAPITAL PARTNERS,
INC.,

Plaintiffs,

HUGO BONILLA, MONICA ARANETA, DORA
M. ABERQUETTE, MICHELLE BONILLA, and
DOES 1-50,

Defendants.

CASE NO. CIV 460691

ARANETA GENERAL DENIAL
TO UNVERIFIED FIRST
AMENDED COMPLAINT

Comes now Defendant Monica Araneta (hereinafter referred to as "Defendant"), and
answering the Unverified First Amended Complaint of ATR-KIM Eng Financial Corporation
and ATR-KIM Eng Capital Partners, Inc., (hereinafter collectively referred to as "Plaintiffs"),
on file herein, admits, denies, and alleges as follows:

GENERAL DENIAL

Defendant, under Code of Civil Procedure §431.30(d), in answer to the First through
Sixth Causes of Action, inclusive, of the Plaintiffs' Unverified First Amended Complaint on

1 file herein, generally denies each and every allegation therein and the whole thereof.

2 FIRST AFFIRMATIVE DEFENSE

3 AS AND FOR A FIRST, SEPARATE AND AFFIRMATIVE DEFENSE to said
4 Unverified First Amended Complaint, Defendant alleges that the Unverified First Amended
5 Complaint, and each purported cause of action therein, fails to state facts sufficient to
6 constitute a cause of action against the Defendant.
7

8 SECOND AFFIRMATIVE DEFENSE

9 AS AND FOR A SECOND, SEPARATE AND AFFIRMATIVE DEFENSE to said
10 Unverified First Amended Complaint, Defendant alleges that the injuries and damages of
11 which Plaintiffs complain, if any there were, were proximately caused by the negligence and/or
12 breach of contract by other persons, firms, corporation, and entities, including but not limited
13 to, Plaintiffs and other third parties, for whom the Defendant is not responsible and should
14 Plaintiffs be entitled to recover under their Unverified First Amended Complaint, its recovery
15 should be reduced in proportion to the negligence and/or breach of contract of such other
16 persons, firms, corporations, and entities.
17

18 THIRD AFFIRMATIVE DEFENSE

19 AS AND FOR A THIRD, SEPARATE AND AFFIRMATIVE DEFENSE to said
20 Unverified First Amended Complaint, Defendant alleges that the sole proximate cause of the
21 occurrences alleged in the Unverified First Amended Complaint was the negligence and/or
22 breach of contract by other persons, firms, corporations, and entities, including, but not limited
23 to, Plaintiffs and other third parties, for whom Defendant is not and was not responsible.
24
25
26

27 ARANETA GENERAL DENIAL TO UNVERIFIED FIRST AMENDED COMPLAINT
28

FOURTH AFFIRMATIVE DEFENSE

AS AND FOR A FOURTH, SEPARATE AND AFFIRMATIVE DEFENSE to said Unverified First Amended Complaint, Defendant alleges that the Plaintiffs have, by their own conduct, waived any rights and claims as set forth therein.

FIFTH AFFIRMATIVE DEFENSE

AS AND FOR A FIFTH, SEPARATE AND AFFIRMATIVE DEFENSE to said Unverified First Amended Complaint, Defendant alleges on information and belief that the Plaintiffs come to this court with unclean hands.

SIXTH AFFIRMATIVE DEFENSE

AS AND FOR A SIXTH, SEPARATE AND AFFIRMATIVE DEFENSE to said Unverified First Amended Complaint, Defendant alleges that the Plaintiffs were not harmed or injured in any manner by the allegedly fraudulent transfer since this transfer did not put beyond the Plaintiffs' reach any property which they would have been able to subject to the payment of their claim against defendant Hugo Bonilla, (hereinafter referred to as "Defendant Bonilla").

The property transferred was in fact not available or subject to the Plaintiffs' claims against Defendant Bonilla because Defendant Bonilla had no beneficial interest in the property conveyed.

SEVENTH AFFIRMATIVE DEFENSE

AS AND FOR A SEVENTH, SEPARATE AND AFFIRMATIVE DEFENSE to said Unverified First Amended Complaint, Defendant alleges that the Plaintiffs were not harmed or injured in any manner by the allegedly fraudulent transfer since this transfer did not put beyond the Plaintiffs' reach any property which they would have been able to subject to the payment of

ARANETA GENERAL DENIAL TO UNVERIFIED FIRST AMENDED COMPLAINT

3

1 their claim against Defendant Bonilla.

2 The property transferred was in fact not available or subject to the Plaintiffs' claims
3 against Defendant Bonilla because the property conveyed was fully encumbered by valid liens.

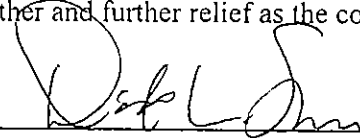
4 EIGHTH AFFIRMATIVE DEFENSE

5 AS AND FOR AN EIGHTH, SEPARATE AND AFFIRMATIVE DEFENSE to said
6 Unverified First Amended Complaint, Defendant alleges that the Plaintiffs were not harmed or
7 injured in any manner by the allegedly fraudulent transfer since this transfer did not put beyond
8 the Plaintiffs' reach any property which they would have been able to subject to the payment of
9 their claim against Defendant Bonilla.
10

11 The property transferred was in fact not available or subject to the Plaintiffs' claims
12 against Defendant Bonilla because the value of the property conveyed could not support any
13 net recovery for the Plaintiffs in the event the conveyance was set aside.
14

15 WHEREFORE, the Defendant prays that Plaintiffs take nothing by reason of their
16 Unverified First Amended Complaint; that Defendant have judgment for her costs of suit and
17 attorney's fees incurred herein; and all other and further relief as the court may deem proper.
18

19 Date: April 8, 2007

20 
21 DAVID M. SLOAN, ESQ.
22 Attorney for Defendant Monica Araneta
23
24
25
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ARANETA GENERAL DENIAL TO UNVERIFIED FIRST AMENDED COMPLAINT

DECLARATION OF SERVICE BY MAIL

I am a citizen of the United States, over the age of eighteen years, not a party to the within action, and am employed in the County of San Mateo, State of California. My business address is 655 Middlefield Road, Redwood City, California. I served a copy of the Araneta General Denial to Unverified First Amended Complaint on the following:

Michael J. Baker, Esq.
 Matthew L. Beltramo, Esq.
 Howard, Rice, Nemerovski, Canady, Falk & Rabkin
 Three Embarcadero Center, 7th Floor
 San Francisco, CA 94111-4024

by placing true copies in envelopes addressed to said person(s) at his(their) respective address(es), which envelope(s) were then sealed and postage fully prepaid thereon and were, on April 9, 2007, placed for collection and mailing at my place of business following ordinary business practices. I am readily familiar with the firm's business practice for collection and processing of documents to be mailed with the United States Postal Service. Said mail will be deposited with the United States Postal Service at Redwood City, California, on this date in the ordinary course of business.

I declare under penalty of perjury that the foregoing is true and correct. Executed at Redwood City, California, on April 9, 2007.


 DAVID M. SLOAN, ESQ.

ARANETA GENERAL DENIAL TO UNVERIFIED FIRST AMENDED COMPLAINT

5

1 MICHAEL J. BAKER (No. 56492)
Email: mbaker@howardrice.com
2 MATTHEW L. BELTRAMO (No. 184796)
Email: mbeltramo@howardrice.com
3 HOWARD RICE NEMEROVSKI CANADY
FALK & RABKIN
4 A Professional Corporation
Three Embarcadero Center, 7th Floor
5 San Francisco, California 94111-4024
Telephone: 415/434-1600
6 Facsimile: 415/217-5910

7 Attorneys for Plaintiffs
ATR-KIM ENG FINANCIAL CORPORATION
8 and ATR-KIM ENG CAPITAL PARTNERS,
INC.
9

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN MATEO
12 UNLIMITED JURISDICTION

13 HOWARD
RICE
NEMEROVSKI
CANADY
FALK
& RABKIN
14

15
16 ATR-KIM ENG FINANCIAL
CORPORATION and ATR-KIM ENG
17 CAPITAL PARTNERS, INC.,

18 Plaintiffs,

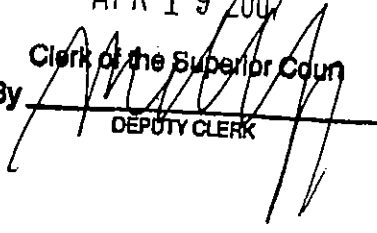
19 v.

20 HUGO BONILLA, MONICA ARANETA,
DORA M. ABEROUE, MICHELLE
21 BONILLA, and DOES 1-50,

22 Defendants.
23
24
25
26
27
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FILED
SAN MATEO COUNTY

APR 19 2007

Clerk of the Superior Court
By  DEPUTY CLERK

No. CIV 460691

NOTICE OF AUTOMATIC STAY
UNDER BANKRUPTCY CODE
(California Rule of Court 3.650(b)(4))

1 Pursuant to California Rule of Court 3.650(b)(4), this notice will advise the Court and
2 parties that one of the defendants in this action, Hugo Bonilla, has filed for bankruptcy
3 protection, triggering the automatic stay provisions of the United States Bankruptcy Code,
4 11 U.S.C. §362. *See In re Hugo Bonilla*, Bankruptcy Court, Northern District of California,
5 San Francisco Division (Docket No. 07-30309, Filed March 16, 2007). A copy of Hugo
6 Bonilla's bankruptcy petition is attached to this pleading as Exhibit A.

7 This stay applies to Hugo Bonilla and not to the other Defendants. However, the
8 bankruptcy trustee's attorney has informed Plaintiffs of the trustee's position that to the
9 extent Plaintiffs' claims against other Defendants involve property that may be part of Hugo
10 Bonilla's bankruptcy estate, the automatic stay applies to those claims. Accordingly,
11 Plaintiffs await further order of the bankruptcy court before taking any action on those
12 claims, including seeking a default judgment as to those Defendants who have not responded
13 to the First Amended Complaint. This notice shall not be deemed or construed as an
14 admission or acknowledgment by Plaintiffs of the propriety of Hugo Bonilla's bankruptcy
15 case, and Plaintiffs reserve fully all rights and defenses thereto.

16 April 19, 2007.

17 Respectfully,

18 MICHAEL J. BAKER
19 MATTHEW L. BELTRAMO
20 HOWARD RICE NEMEROVSKI CANADY
FALK & RABKIN
A Professional Corporation

21 By: 
22 MATTHEW L. BELTRAMO

23 Attorneys for Plaintiffs ATR-KIM ENG
24 FINANCIAL CORPORATION and ATR-KIM
25 ENG CAPITAL PARTNERS, INC.
26
27
28

HOWARD RICE
NEMEROVSKI
CANADY
FALK
& RABKIN
A Professional Corporation

Official Form 1 (10/06)

United States Bankruptcy Court
Northern District of California
Voluntary Petition

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|---|--|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-----------------|--------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--|--|--|---|--|--|--|---|--|--|---|--|
| Name of Debtor (if individual, enter Last, First, Middle): Bonilla, Hugo Nery | | Name of Joint Debtor (Spouse) (Last, First, Middle): | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names): | | All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names): | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Last four digits of Soc. Sec./Complete EIN or other Tax ID No. (if more than one, state all): xxx-xx-2718 | | Last four digits of Soc. Sec./Complete EIN or other Tax ID No. (if more than one, state all): | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Street Address of Debtor (No. and Street, City, and State): 362 East Grand Avenue South San Francisco, CA <div style="text-align: right;">ZIP Code 94080</div> | | Street Address of Joint Debtor (No. and Street, City, and State): <div style="text-align: right;">ZIP Code</div> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| County of Residence or of the Principal Place of Business: San Mateo | | County of Residence or of the Principal Place of Business: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mailing Address of Debtor (if different from street address): <div style="text-align: right;">ZIP Code</div> | | Mailing Address of Joint Debtor (if different from street address): <div style="text-align: right;">ZIP Code</div> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Location of Principal Assets of Business Debtor (if different from street address above): | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Type of Debtor (Form of Organization) (Check one box) <input checked="" type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i> <input type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.) | Nature of Business (Check one box) <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101 (51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input checked="" type="checkbox"/> Other Tax-Exempt Entity (Check box, if applicable) <input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code). | Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box) <input checked="" type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding Nature of Debts (Check one box) <input type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." <input checked="" type="checkbox"/> Debts are primarily business debts. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Filing Fee (Check one box) <input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A. <input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B. | | Chapter 11 Debtors Check one box: <input type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). <input type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Check if: <input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2 million. Check all applicable boxes: <input type="checkbox"/> A plan is being filed with this petition. <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b). | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Statistical/Administrative Information <input checked="" type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors. Estimated Number of Creditors <table style="width:100%; text-align: center;"> <tr> <td>1-49</td> <td>50-99</td> <td>100-199</td> <td>200-999</td> <td>1000-5,000</td> <td>5001-10,000</td> <td>10,001-25,000</td> <td>25,001-50,000</td> <td>100,001-100,000</td> <td>OVER 100,000</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table> Estimated Assets <table style="width:100%; text-align: center;"> <tr> <td><input type="checkbox"/> \$0 to \$10,000</td> <td><input type="checkbox"/> \$10,001 to \$100,000</td> <td><input checked="" type="checkbox"/> \$100,001 to \$1 million</td> <td><input type="checkbox"/> \$1,000,001 to \$100 million</td> <td><input type="checkbox"/> More than \$100 million</td> </tr> </table> Estimated Liabilities <table style="width:100%; text-align: center;"> <tr> <td><input type="checkbox"/> \$0 to \$50,000</td> <td><input type="checkbox"/> \$50,001 to \$100,000</td> <td><input type="checkbox"/> \$100,001 to \$1 million</td> <td><input checked="" type="checkbox"/> \$1,000,001 to \$100 million</td> <td><input type="checkbox"/> More than \$100 million</td> </tr> </table> | | 1-49 | 50-99 | 100-199 | 200-999 | 1000-5,000 | 5001-10,000 | 10,001-25,000 | 25,001-50,000 | 100,001-100,000 | OVER 100,000 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> \$0 to \$10,000 | <input type="checkbox"/> \$10,001 to \$100,000 | <input checked="" type="checkbox"/> \$100,001 to \$1 million | <input type="checkbox"/> \$1,000,001 to \$100 million | <input type="checkbox"/> More than \$100 million | <input type="checkbox"/> \$0 to \$50,000 | <input type="checkbox"/> \$50,001 to \$100,000 | <input type="checkbox"/> \$100,001 to \$1 million | <input checked="" type="checkbox"/> \$1,000,001 to \$100 million | <input type="checkbox"/> More than \$100 million | THIS SPACE IS FOR COURT USE ONLY | |
| 1-49 | 50-99 | 100-199 | 200-999 | 1000-5,000 | 5001-10,000 | 10,001-25,000 | 25,001-50,000 | 100,001-100,000 | OVER 100,000 | | | | | | | | | | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> \$0 to \$10,000 | <input type="checkbox"/> \$10,001 to \$100,000 | <input checked="" type="checkbox"/> \$100,001 to \$1 million | <input type="checkbox"/> \$1,000,001 to \$100 million | <input type="checkbox"/> More than \$100 million | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> \$0 to \$50,000 | <input type="checkbox"/> \$50,001 to \$100,000 | <input type="checkbox"/> \$100,001 to \$1 million | <input checked="" type="checkbox"/> \$1,000,001 to \$100 million | <input type="checkbox"/> More than \$100 million | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

Official Form 1 (10/06)

FORM B1, Page 2

Voluntary Petition*(This page must be completed and filed in every case)*Name of Debtor(s):
Bonilla, Hugo Nery**All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet)**Location
Where Filed: **- None -**

Case Number:

Date Filed:

Location
Where Filed:

Case Number:

Date Filed:

Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet)Name of Debtor:
- None -

Case Number:

Date Filed:

District:

Relationship:

Judge:

Exhibit A

(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)

☐ Exhibit A is attached and made a part of this petition.**Exhibit B**

(To be completed if debtor is an individual whose debts are primarily consumer debts.)

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I delivered to the debtor the notice required by 11 U.S.C. §342(b).

X

Signature of Attorney for Debtor(s)

(Date)

Exhibit C

Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?

☐ Yes, and Exhibit C is attached and made a part of this petition.☒ No.**Exhibit D**

(To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.)

☒ Exhibit D completed and signed by the debtor is attached and made a part of this petition.

If this is a joint petition:

☐ Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.**Information Regarding the Debtor - Venue**

(Check any applicable box)

- ☒ Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.
- ☐ There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.
- ☐ Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.

Statement by a Debtor Who Resides as a Tenant of Residential Property

(Check all applicable boxes)

- ☐ Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.)

(Name of landlord that obtained judgment)_____
(Address of landlord)

- ☐ Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and
- ☐ Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.

Official Form 1 (10/06)

FORM B1, Page 3

Voluntary Petition*(This page must be completed and filed in every case)*

Name of Debtor(s):

Bonilla, Hugo Nery**Signatures****Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.
 [If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.
 [If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X /s/ Hugo Nery BonillaSignature of Debtor **Hugo Nery Bonilla****X** _____

Signature of Joint Debtor

Telephone Number (If not represented by attorney)

March 16, 2007

Date

Signature of Attorney**X** /s/ Iain A. Macdonald

Signature of Attorney for Debtor(s)

Iain A. Macdonald 051073

Printed Name of Attorney for Debtor(s)

Macdonald & Associates

Firm Name

Two Embarcadero Center, Suite 1670
San Francisco, CA 94111-3930

Address

Email: iain@macdonaldlawsf.com(415) 362-0449 Fax: (415) 394-5544

Telephone Number

March 16, 2007

Date

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X _____

Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date

Signature of a Foreign Representative

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

☐ I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. §1515 are attached.

☐ Pursuant to 11 U.S.C. §1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

X _____

Signature of Foreign Representative

Printed Name of Foreign Representative

Date

Signature of Non-Attorney Bankruptcy Petition Preparer

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19B is attached.

Printed Name and title, if any, of Bankruptcy Petition Preparer

Social Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)

Address

X _____

Date

Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.

PROOF OF SERVICE BY MAIL

I am employed in the City and County of San Francisco, State of California. I am over the age of eighteen (18) years and not a party to the within action; my business address is Three Embarcadero Center, Seventh Floor, San Francisco, California 94111-4024.

I am readily familiar with the practice for collection and processing of documents for mailing with the United States Postal Service of Howard Rice Nemerovski Canady Falk & Rabkin, A Professional Corporation, and that practice is that the documents are deposited with the United States Postal Service with postage fully prepaid the same day as the day of collection in the ordinary course of business.

On April 19, 2007, I served the following document(s) described as **NOTICE OF AUTOMATIC STAY UNDER BANKRUPTCY CODE (CALIFORNIA RULE OF COURT 3.650(B)(4))** on the persons listed below by placing the document(s) for deposit in the United States Postal Service through the regular mail collection process at the law offices of Howard Rice Nemerovski Canady Falk & Rabkin, A Professional Corporation, located at Three Embarcadero Center, Seventh Floor, San Francisco, California, to be served by mail addressed as follows:

David Sloan
655 Middlefield Road
Redwood City, CA 94063
(Attorney for Monica Araneta)

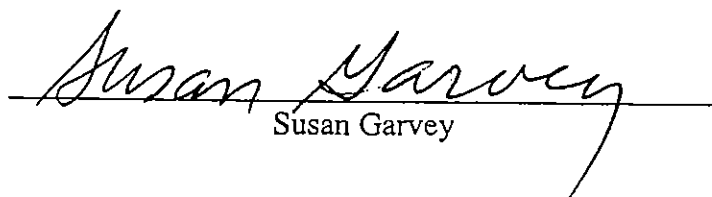
Dora Aberouette
170 Yorkshire Court
San Bruno, CA 94066
(Unrepresented)

Albert Martin
4 W. 4th Avenue, Suite 508
San Mateo, CA 94402
(Attorney for Hugo Bonilla and Michelle Bonilla)

Iain MacDonald
2 Embarcadero Center, #1670
San Francisco, CA 94111-3930
(Bankruptcy Attorney for Hugo Bonilla)

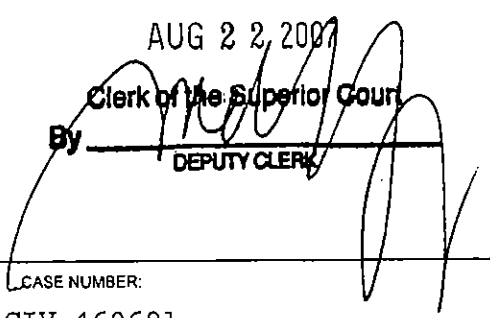
HOWARD
RICE
NEMEROVSKI
CANADY
FALK
& RABKIN
A PROFESSIONAL CORPORATION

1 I declare under penalty of perjury under the laws of the State of California that the foregoing is
2 true and correct. Executed at San Francisco, California on April 19, 2007.

3
4 
5 Susan Garvey
6
7
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13 HOWARD
14 RICE
NEMEROVSKI
CANADY
FALK
& RABKIN
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EXHIBIT 17

| | | | |
|--|--|----------------------------------|---|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): Michael J. Baker (56492) (415) 434-1600 Matthew L. Beltramo (184796) Howard Rice Nemerovski Canady Falk & Rabkin Three Embarcadero Center, 7th Floor San Francisco, California 94111 | | TELEPHONE NO.: (415) 434-1600 | FOR COURT USE ONLY FILED SAN MATEO COUNTY AUG 22, 2007 Clerk of the Superior Court By  DEPUTY CLERK |
| ATTORNEY FOR (Name): ATR-Kim Eng Fin'l Corp. & ATR-Kim Eng Cap'l Ptnrs Insert name of court and name of judicial district and branch court, if any: San Mateo County Superior Court Southern Branch | | | |
| PLAINTIFF/PETITIONER: ATR-Kim Eng Financial Corporation & ATR-Kim Eng Capital Partners, Inc. DEFENDANT/RESPONDENT: Hugo Bonilla, Monica Araneta, Dora M. Aberouette, Michelle Bonilla & Does 1-50 | | | |
| REQUEST FOR DISMISSAL <input type="checkbox"/> Personal Injury, Property Damage, or Wrongful Death <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other <input type="checkbox"/> Family Law <input type="checkbox"/> Eminent Domain <input checked="" type="checkbox"/> Other (specify): Fraudulent Transfer Action | | CASE NUMBER: CIV 460691 | |
| - A conformed copy will not be returned by the clerk unless a method of return is provided with the document. - | | | |

1. TO THE CLERK: Please dismiss this action as follows:

- a. (1) With prejudice (2) ☒ Without prejudice
- b. (1) Complaint (2) Petition
- (3) Cross-complaint filed by (name): on (date):
- (4) Cross-complaint filed by (name): on (date):
- (5) Entire action of all parties and all causes of action
- (6) ☒ Other (specify): **Solely** as to the following specified defendants: (1) Dora M. Aberouette and (2) Michelle Bonilla

Date: August 22, 2007

Matthew L. Beltramo(TYPE OR PRINT NAME OF ☒ ATTORNEY ☐ PARTY WITHOUT ATTORNEY)

* If dismissal requested is of specified parties only of specified causes of action only, or of specified cross-complaints only, so state and identify the parties, causes of action, or cross-complaints to be dismissed.

(SIGNATURE)
 Attorney or party without attorney for: ATR-Kim Eng Financial Corp. & ATR-Kim Eng Capital Partners
☒ Plaintiff/Petitioner Defendant/Respondent
☐ Cross-complainant

2. TO THE CLERK: Consent to the above dismissal is hereby given.**

Date:

(TYPE OR PRINT NAME OF ☐ ATTORNEY ☐ PARTY WITHOUT ATTORNEY)

** If a cross-complaint or Response (Family Law) seeking affirmative relief is on file, the attorney for cross-complainant (respondent) must sign this consent consent if required by Code of Civil Procedure section 581(i) or (j).

(SIGNATURE)
 Attorney or party without attorney for:
☐ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Cross-complainant

(To be completed by clerk)

3. Dismissal entered as requested on (date):
4. ☒ Dismissal entered on (date): **AUG 22, 2007** as to only (name):
5. Dismissal not entered as requested for the following reasons (specify): **AS STATED ABOVE**

6. a. Attorney or party without attorney notified on (date):
- b. Attorney or party without attorney not notified. Filing party failed to provide
☐ a copy to conform ☐ means to return conformed copy

Date:

AUG 22 2007**JOHN C. FITTON**Clerk, by 

Deputy

EXHIBIT 18

| | | | | | |
|--|--|--------------------------------|--|---|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address) Michael J. Baker (56492) (415) 434-1600 Matthew L. Beltramo (184796) Howard Rice Nemerovski Canady Falk & Rabkin Three Embarcadero Center, 7th Floor San Francisco, California 94111 | | TELEPHONE NO (415) 434-1600 | | FOR COURT USE ONLY ENDORSED FILED SAN MATEO COUNTY AUG 23 2007 Clerk of the Superior Court By <u>S. YAMING</u> DEPUTY CLERK | |
| ATTORNEY FOR (Name) ATR-Kim Eng Financial Corp. & ATR-Kim Insert name of court and name of judicial district and branch court, if any: San Mateo County Superior Court Southern Branch | | | | | |
| PLAINTIFF/PETITIONER ATR-Kim Eng Financial Corporation & ATR-Kim Eng Capital Partners, Inc. DEFENDANT/RESPONDENT Hugo Bonilla, Monica Araneta, Dora M. Aberouette, Michelle Bonilla & Does 1-50 | | | | | |
| NOTICE OF ENTRY OF DISMISSAL AND PROOF OF SERVICE <input type="checkbox"/> Personal Injury, Property Damage, or Wrongful Death <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other <input type="checkbox"/> Family Law <input type="checkbox"/> Eminent Domain <input checked="" type="checkbox"/> Other (specify): Fraudulent Transfer Action | | | | CASE NUMBER CIV 460691 | |

TO ATTORNEYS AND PARTIES WITHOUT ATTORNEYS: A dismissal was entered in this action by the clerk as shown on the Request for Dismissal. (Attach a copy completed by the clerk.) (Dismissal as to Dora M. Aberouette & Michelle Bonilla only)

Date August 23, 2007

Matthew Beltramo (No. 184796)

(TYPE OR PRINT NAME OF) ☒ ATTORNEY ☐ PARTY WITHOUT ATTORNEY

(SIGNATURE)

PROOF OF SERVICE

- I am over the age of 18 and not a party to this cause. I am a resident of or employed in the county where the mailing occurred. My residence or business address is:
SEE ATTACHED PROOF OF SERVICE
- ☐ I served a copy of the Notice of Entry of Dismissal and Request for Dismissal by mailing them, in a sealed envelope with postage fully prepaid, as follows:
 - I deposited the envelope with the United States Postal Service.
 - I placed the envelope for collection and processing for mailing following this business's ordinary practice with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.
 - Date of deposit:
 - Place of deposit (city and state):
 - Addressed as follows (name and address):
- ☐ I served a copy of the Notice of Entry of Dismissal and Request for Dismissal by personally delivering copies to the person served as shown below:
 Name: _____ Date: _____ Time: _____ Address: _____
- I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

| | |
|--|---|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): Michael J. Baker (56492) (415) 434-1600 Matthew L. Beltramo (184796) Howard Rice Nemerovski Canady Falk & Rabkin Three Embarcadero Center, 7th Floor San Francisco, California 94111 | TELEPHONE NO (415) 434-1600 ENDORSED FILED SAN MATEO COUNTY AUG 22 2007 Clerk of the Superior Court By <u>M. YOUNG</u> DEPUTY CLERK |
| ATTORNEY FOR (Name) ATR-Kim Eng Fin'l Corp. & ATR-Kim Eng Cap'l Ptnrs Insert name of court and name of judicial district and branch court, if any San Mateo County Superior Court Southern Branch | |
| PLAINTIFF/PETITIONER ATR-Kim Eng Financial Corporation & ATR-Kim Eng Capital Partners, Inc. DEFENDANT/RESPONDENT Hugo Bonilla, Monica Araneta, Dora M. Aberouette, Michelle Bonilla & Does 1-50 | |
| REQUEST FOR DISMISSAL <input type="checkbox"/> Personal Injury, Property Damage, or Wrongful Death <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other <input type="checkbox"/> Family Law <input type="checkbox"/> Eminent Domain <input checked="" type="checkbox"/> Other (specify): Fraudulent Transfer Action | |
| CASE NUMBER CIV 460691 NOTE CRC 2.133 REQUIRES THAT ORIGINALS BE 2 HOLE PUNCHED | |
| - A conformed copy will not be returned by the clerk unless a method of return is provided with the document. - | |

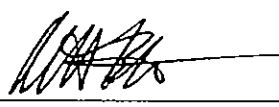
1 TO THE CLERK: Please dismiss this action as follows:

- a (1) With prejudice (2) ☒ Without prejudice
- b (1) Complaint (2) Petition
- (3) Cross-complaint filed by (name): on (date):
- (4) Cross-complaint filed by (name): on (date):
- (5) ☐ Entire action of all parties and all causes of action
- (6) ☒ Other (specify): Solely as to the following specified defendants: (1) Dora M. Aberouette and (2) Michelle Bonilla

Date: August 22, 2007

Matthew L. Beltramo(TYPE OR PRINT NAME OF ☒ ATTORNEY ☐ PARTY WITHOUT ATTORNEY)

* If dismissal requested is of specified parties only or of specified causes of action only or of specified cross-complaints only, so state and identify the parties, causes of action or cross-complaints to be dismissed

(SIGNATURE)

 Attorney or party without attorney for: ATR-Kim Eng Financial Corp. & ATR-Kim Eng Capital Partners
☒ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Cross-complainant

2 TO THE CLERK: Consent to the above dismissal is hereby given.**

Date:

(TYPE OR PRINT NAME OF ☐ ATTORNEY ☐ PARTY WITHOUT ATTORNEY)

** If a cross-complaint or Response (Family Law) seeking affirmative relief is on file, the attorney for cross-complainant (respondent) must sign this consent consent if required by Code of Civil Procedure section 581(i) or (j)

(SIGNATURE)
 Attorney or party without attorney for:
☐ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Cross-complainant

(To be completed by clerk)

- 3 Dismissal entered as requested on (date):
- 4 ☒ Dismissal entered on (date) **AUG 22 2007** as to only (name): **AS STATED ABOVE**
- 5 Dismissal not entered as requested for the following reasons (specify):
- 6 a Attorney or party without attorney notified on (date).
 b Attorney or party without attorney not notified. Filing party failed to provide
 : a copy to conform means to return conformed copy

Date **AUG 22 2007****JOHN C. FITTON**Clerk, by **M. YOUNG** Deputy

1 **PROOF OF SERVICE**

2 I, Kathryn A. Sakamoto, declare:

3 I am a resident of the State of California and over the age of eighteen years and not a party to
4 the within-entitled action; my business address is Three Embarcadero Center, Seventh Floor, San
5 Francisco, California 94111-4024. On August 23, 2007, I served the following document(s)
6 described as:

7 **NOTICE OF ENTRY OF DISMISSAL AND PROOF OF SERVICE**

8 **REQUEST FOR DISMISSAL**

9 by placing the document(s) listed above in a sealed envelope with postage thereon fully
10 prepaid, in the United States mail at San Francisco, California addressed as set forth below:

11 David Sloan
12 Law Offices of David Sloan
13 655 Middlefield Road
14 Redwood City, CA 94063
15 *(Attorney for Monica Araneta)*

Dora M. Aberouette
170 Yorkshire Court
San Bruno, CA 94066
(unrepresented)

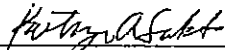
16 Albert K. Martin
17 Law Offices of Albert Martin
18 4 West Fourth Avenue, Suite 508
19 San Mateo, CA 94402
20 *(Attorney for Hugo Bonilla and,*
21 *possibly, Michelle Bonilla)*

Michelle Bonilla
36611 Sequoia Court
Newark, California 94560
(possibly unrepresented)

22 Iain MacDonald
23 MacDonald & Associates
24 2 Embarcadero Ctr #1670
25 San Francisco, CA 94111-3930
26 *(Bankruptcy attorney for Hugo*
27 *Bonilla)*

28 I am readily familiar with the firm's practice of collection and processing correspondence for
mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day
with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of
the party served, service is presumed invalid if postal cancellation date or postage meter date is more
than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the foregoing is
true and correct. Executed at San Francisco, California on August 23, 2007.

29 
30 Kathryn A. Sakamoto

31 W03 170140001/1412461/v1

Official Form 1 (10/06)

| United States Bankruptcy Court Northern District of California | | | | Voluntary Petition | | | | | | | | | | | | | | | | | | | | | |
|--|---|---|---|--|---|---|---|---|--------------------------|--------------------------|--------------------------|-------------------|-------------------|---------------------|-----------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Name of Debtor (if individual, enter Last, First, Middle): Bonilla, Hugo Nery | | | Name of Joint Debtor (Spouse) (Last, First, Middle): | | | | | | | | | | | | | | | | | | | | | | |
| All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names): | | | All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names): | | | | | | | | | | | | | | | | | | | | | | |
| Last four digits of Soc. Sec./Complete EIN or other Tax ID No. (if more than one, state all): xxx-xx-2718 | | | Last four digits of Soc. Sec./Complete EIN or other Tax ID No. (if more than one, state all): | | | | | | | | | | | | | | | | | | | | | | |
| Street Address of Debtor (No. and Street, City, and State): 362 East Grand Avenue South San Francisco, CA | | | Street Address of Joint Debtor (No. and Street, City, and State): | | | | | | | | | | | | | | | | | | | | | | |
| ZIP Code 94080 | | | ZIP Code | | | | | | | | | | | | | | | | | | | | | | |
| County of Residence or of the Principal Place of Business: San Mateo | | | County of Residence or of the Principal Place of Business: | | | | | | | | | | | | | | | | | | | | | | |
| Mailing Address of Debtor (if different from street address): | | | Mailing Address of Joint Debtor (if different from street address): | | | | | | | | | | | | | | | | | | | | | | |
| ZIP Code | | | ZIP Code | | | | | | | | | | | | | | | | | | | | | | |
| Location of Principal Assets of Business Debtor (if different from street address above): | | | | | | | | | | | | | | | | | | | | | | | | | |
| Type of Debtor (Form of Organization) (Check one box) <input checked="" type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i> <input type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.) | | Nature of Business (Check one box) <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101(51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input checked="" type="checkbox"/> Other Tax-Exempt Entity (Check box, if applicable) <input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code). | | Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box) <input checked="" type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding | | | | | | | | | | | | | | | | | | | | | |
| Filing Fee (Check one box) <input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A. <input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B. | | Nature of Debts (Check one box) <input type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." <input checked="" type="checkbox"/> Debts are primarily business debts. | | | | | | | | | | | | | | | | | | | | | | | |
| Chapter 11 Debtors Check one box: <input type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). <input type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Check if: <input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2 million. Check all applicable boxes: <input type="checkbox"/> A plan is being filed with this petition. <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b). | | | | THIS SPACE IS FOR COURT USE ONLY | | | | | | | | | | | | | | | | | | | | | |
| Statistical/Administrative Information <input checked="" type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors. | | | | | | | | | | | | | | | | | | | | | | | | | |
| Estimated Number of Creditors <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">1- 49</td> <td style="text-align: center;">50- 99</td> <td style="text-align: center;">100- 199</td> <td style="text-align: center;">200- 999</td> <td style="text-align: center;">1000- 5,000</td> <td style="text-align: center;">5001- 10,000</td> <td style="text-align: center;">10,001- 25,000</td> <td style="text-align: center;">25,001- 50,000</td> <td style="text-align: center;">100,001- 100,000</td> <td style="text-align: center;">OVER 100,000</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> | | | | | | 1- 49 | 50- 99 | 100- 199 | 200- 999 | 1000- 5,000 | 5001- 10,000 | 10,001- 25,000 | 25,001- 50,000 | 100,001- 100,000 | OVER 100,000 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 1- 49 | 50- 99 | 100- 199 | 200- 999 | | | 1000- 5,000 | 5001- 10,000 | 10,001- 25,000 | 25,001- 50,000 | 100,001- 100,000 | OVER 100,000 | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | | | | | | |
| Estimated Assets <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;"><input type="checkbox"/> \$0 to \$10,000</td> <td style="text-align: center;"><input type="checkbox"/> \$10,001 to \$100,000</td> <td style="text-align: center;"><input checked="" type="checkbox"/> \$100,001 to \$1 million</td> <td style="text-align: center;"><input type="checkbox"/> \$1,000,001 to \$100 million</td> <td style="text-align: center;"><input type="checkbox"/> More than \$100 million</td> </tr> </table> | | | | <input type="checkbox"/> \$0 to \$10,000 | <input type="checkbox"/> \$10,001 to \$100,000 | <input checked="" type="checkbox"/> \$100,001 to \$1 million | <input type="checkbox"/> \$1,000,001 to \$100 million | <input type="checkbox"/> More than \$100 million | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> \$0 to \$10,000 | <input type="checkbox"/> \$10,001 to \$100,000 | <input checked="" type="checkbox"/> \$100,001 to \$1 million | <input type="checkbox"/> \$1,000,001 to \$100 million | <input type="checkbox"/> More than \$100 million | | | | | | | | | | | | | | | | | | | | | |
| Estimated Liabilities <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;"><input type="checkbox"/> \$0 to \$50,000</td> <td style="text-align: center;"><input type="checkbox"/> \$50,001 to \$100,000</td> <td style="text-align: center;"><input type="checkbox"/> \$100,001 to \$1 million</td> <td style="text-align: center;"><input checked="" type="checkbox"/> \$1,000,001 to \$100 million</td> <td style="text-align: center;"><input type="checkbox"/> More than \$100 million</td> </tr> </table> | | | | <input type="checkbox"/> \$0 to \$50,000 | <input type="checkbox"/> \$50,001 to \$100,000 | <input type="checkbox"/> \$100,001 to \$1 million | <input checked="" type="checkbox"/> \$1,000,001 to \$100 million | <input type="checkbox"/> More than \$100 million | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> \$0 to \$50,000 | <input type="checkbox"/> \$50,001 to \$100,000 | <input type="checkbox"/> \$100,001 to \$1 million | <input checked="" type="checkbox"/> \$1,000,001 to \$100 million | <input type="checkbox"/> More than \$100 million | | | | | | | | | | | | | | | | | | | | | |

Official Form 1 (10/06)

FORM B1, Page 2

| | | | |
|--|---------------|--|--|
| Voluntary Petition <i>(This page must be completed and filed in every case)</i> | | Name of Debtor(s): Bonilla, Hugo Nery | |
| All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet) | | | |
| Location Where Filed: - None - | Case Number: | Date Filed: | |
| Location Where Filed: | Case Number: | Date Filed: | |
| Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet) | | | |
| Name of Debtor: - None - | Case Number: | Date Filed: | |
| District: | Relationship: | Judge: | |
| Exhibit A (To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.) <input type="checkbox"/> Exhibit A is attached and made a part of this petition. | | Exhibit B (To be completed if debtor is an individual whose debts are primarily consumer debts.) I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I delivered to the debtor the notice required by 11 U.S.C. §342(b). X _____ Signature of Attorney for Debtor(s) (Date) | |
| Exhibit C Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety? <input type="checkbox"/> Yes, and Exhibit C is attached and made a part of this petition. <input checked="" type="checkbox"/> No. | | | |
| Exhibit D (To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.) <input checked="" type="checkbox"/> Exhibit D completed and signed by the debtor is attached and made a part of this petition. If this is a joint petition: <input type="checkbox"/> Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition. | | | |
| Information Regarding the Debtor - Venue (Check any applicable box) | | | |
| <input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. | | | |
| <input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District. | | | |
| <input type="checkbox"/> Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District. | | | |
| Statement by a Debtor Who Resides as a Tenant of Residential Property (Check all applicable boxes) | | | |
| <input type="checkbox"/> Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.) <div style="margin-left: 40px;"> _____ (Name of landlord that obtained judgment) </div> <div style="margin-left: 40px;"> _____ (Address of landlord) </div> | | | |
| <input type="checkbox"/> Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and | | | |
| <input type="checkbox"/> Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition. | | | |

Official Form 1 (10/06)

FORM B1, Page 3

Voluntary Petition*(This page must be completed and filed in every case)*

Name of Debtor(s):

Bonilla, Hugo Nery**Signatures****Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.

[If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X /s/ Hugo Nery BonillaSignature of Debtor **Hugo Nery Bonilla****X**

Signature of Joint Debtor

Telephone Number (If not represented by attorney)

March 16, 2007

Date

Signature of Attorney**X** /s/ Iain A. Macdonald

Signature of Attorney for Debtor(s)

Iain A. Macdonald 051073

Printed Name of Attorney for Debtor(s)

Macdonald & Associates

Firm Name

Two Embarcadero Center, Suite 1670
San Francisco, CA 94111-3930

Address

Email: iain@macdonaldlawsf.com(415) 362-0449 Fax: (415) 394-5544

Telephone Number

March 16, 2007

Date

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X

Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date

Signature of a Foreign Representative

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

☐ I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. §1515 are attached.

☐ Pursuant to 11 U.S.C. §1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

X

Signature of Foreign Representative

Printed Name of Foreign Representative

Date

Signature of Non-Attorney Bankruptcy Petition Preparer

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19B is attached.

Printed Name and title, if any, of Bankruptcy Petition Preparer

Social Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)

Address

X

Date

Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.

Entered on Docket
November 16, 2007
GLORIA L. FRANKLIN, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA



1 MICHAEL J. BAKER (No. 56492)

Email: mbaker@howardrice.com

2 WILLIAM J. LAFFERTY (No. 120814) Signed and Filed: November 15, 2007

Email: wlafferty@howardrice.com

3 HOWARD RICE NEMEROVSKI CANADY

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4 A Professional Corporation

Three Embarcadero Center, 7th Floor

5 San Francisco, California 94111-4024

Telephone: 415/434-1600

6 Facsimile: 415/217-5910

A handwritten signature in black ink, appearing to read "T. E. Carlson".

THOMAS E. CARLSON
U.S. Bankruptcy Judge

7 Attorneys for Creditors

ATR-KIM ENG FINANCIAL CORPORATION

8 AND ATR-KIM ENG CAPITAL PARTNERS,

9 INC.

10 UNITED STATES BANKRUPTCY COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 SAN FRANCISCO DIVISION

HOWARD
RICE
NEMEROVSKI
CANADY
FALK
& RABKIN
A Professional Corporation

14 In re

No. 07-30309

15 HUGO N. BONILLA,

Chapter 7 Case

16 Debtor.

18
19 **ORDER APPROVING STIPULATION FOR RELIEF FROM STAY TO ALLOW**
20 **REMOVAL OF STATE COURT ACTION**

21 The Court having considered the Stipulation For Relief From Stay To Allow Removal
22 of State Court Action (the "Stipulation") entered into between Janina Elder, the Chapter 7
23 trustee (the "Trustee") and creditors ATR-Kim Financial Corporation and ATR-Kim Eng
24 Capital Partners, Inc. (collectively, "ATR") and filed on August 28, 2007:

25 IT IS HEREBY ORDERED that the Stipulation is approved;

26 IT IS FURTHER ORDERED that the automatic stay of Section 362(a) of the United
27 States Bankruptcy Code is hereby modified to permit ATR to remove to this Court the
28 California state court action styled *ATR-Kim Financial Corporation and ATR-Kim Eng*

1 *Capital Partners, Inc. v. Hugo Bonilla, Monica Araneta, Dora M. Aberouette, Michelle*
2 *Bonilla and Does 1-50*, San Mateo County Superior Court No. CIV 460691; and

3 IT IS FURTHER ORDER that the ten day stay period set forth in Federal Rule of
4 Bankruptcy Procedure 4001(a)(3) is waived.

5 **END OF ORDER**
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13 HOWARD
14 RICE
NEMEROVSKI
CANADY
FALK
& RABKIN
A Professional Corporation
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